IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 242 OF 2007

Mrs. Anita Prakash Wagh,
Formerly known as Anita
Baburao Jagtap. ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr.Ashok B. Mishra for the petitioner.

Mr.D. S. Mhaispurkar, APP for the State.

CORAM : SMT. RANJANA DESAI &
ANOOP V. MOHTA,JJ.

DATED : 15th February, 2007

P.C.

The petitioner is seeking quashing of the complaint and proceedings in Criminal Case No.2089 of 2004 filed by respondent 2. The said case is pending in the Court of Judicial Magistrate, First Class, Nashik-road, Nashik.

2. We have heard the learned counsel for the petitioner. He contended that in fact the petitioner had given the cheque to respondents 3, 4 and 5. The petitioner has nothing to do with respondent 2. It was a blank cheque which was fraudulently filled in by

respondent 3, 4 and 5 and handed over to respondent 2. Respondent 2 has falsely filed a complaint against the petitioner. In our opinion, this is not a case where proceedings could be quashed. It cannot be said that prima-facie the complaint does not disclose any offence. Hence the petition will have to be dismissed and is dismissed as such. We make it clear that the observations made by us are prima-facie observations and the trial court shall deal with the case independently and in accordance with law.

[SMT.RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]